

## Remarks

### I. Status of the Application and Claims

As originally filed, the present application had a total of 28 claims. Prior to the present response, these were cancelled and new claims 29-40 were added. Claims 30 and 33-35 were cancelled herein and new claims 41-43 were added. Thus, the claims now pending are 29, 31, 32, and 36-43.

### II. The Amendments

Claim 29 has been amended to restrict the options available for R<sup>3</sup>. In particular, R<sup>3</sup> may no longer be either hydrogen or a straight or branched C<sub>1</sub>-C<sub>6</sub> alkyl. Since hydrogen is no longer available as an option for R<sup>3</sup>, the proviso that was previously added to the claim is no longer needed and has been eliminated. In certain places "aryls" were defined as having 6 or 10 carbons as indicated on page 16 of the application, lines 16 and 17. In addition, other minor amendments were made to improve clarity

Claims 31 and 36 also underwent some minor amendments in which the options for different variables were changed somewhat. However, all of the options still represent a further limitation on the options that are present in claim 29.

Apart from the amendments discussed above, the new claims 41-43 were added. These parallel and find support in original claims 33-35.

None of the amendments described above add new matter to the application and their entry is therefore respectfully requested.

## The Rejections

On page 2 of the Office Action, claims 29-39 are rejected under 35 U.S.C. § 102 based upon a chemical compound of Osaka Kogyo Gijutsu Shikensho Kiho (1984), (35)1, p. 50-54 (CAPLUS abstract). It is alleged that this compound falls within the scope of Applicants' claims.

Applicants respectfully traverse this rejection for the claims as amended herein.

Using the variables set forth in Applicants' claim 29 for the compound in the cited reference, it may be concluded that:  $R^1 = H$ ;  $R^2 = \text{phenyl}$ ;  $R^3 = H$ ;  $R^4 = H$ ; and  $R^5 = H$ . As amended herein,  $R^3$  can no longer be hydrogen or a straight or branched  $C_1$ - $C_6$  alkyl. Thus, all of the compounds included within the scope of Applicants' present claims are clearly distinct from the compound in the cited reference. Therefore, the reference can no longer be considered anticipatory.

It should be pointed out that the amendments that were made for  $R^3$  have eliminated the need for the proviso previously in claim 29 in that  $R^3$  can no longer be hydrogen, or a substituent that is chemically similar to hydrogen. Thus, the present amendments should serve to overcome both the Examiner's present rejection and should result in claims that don't require a reconsideration of rejections previously made. In this regard, it should be noted that, in the compound previously cited by the Examiner, *i.e.*, RN = 124885-17-2,  $R^3$  was again hydrogen.

### Conclusion

In light of the amendments and discussion above, Applicants submit that all of the Examiner's rejections have been overcome. It is therefore respectfully requested that these rejections be withdrawn and that the claims presently pending in the application be allowed.

If, in the opinion of the Examiner, a phone call may help to expedite the prosecution of this application, the Examiner is invited to call Applicants' undersigned attorney at (202) 419-7013.

Respectfully submitted,

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